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11 Sun Microsystems, Inc.

12
                    UNITED STATES DISTRICT COURT
13
                  NORTHERN DISTRICT OF CALIFORNIA
14
                     SAN FRANCISCO DIVISION
15

16 SUN MICROSYSTEMS, INC.,   CASE NO. C-07-05488 EDL

17   Plaintiff-Counterdefendant   [PROPOSED] ADDENDUM TO
                                              PROTECTIVE ORDER
18   v.

19 NETWORK APPLIANCE, INC.,

20   Defendant-Counterclaimant

21

22
        Plaintiff-Counterdefendant Oracle America, Inc. (formerly Sun Microsystems, Inc.) and
23
   Defendant-Counterplaintiff NetApp, Inc. ("NetApp"), by and through their respective counsel,
24
   hereby stipulate that the Protective Order entered by the Court on March 3, 2008 in this action
25
   shall be amended as follows:
26
        (1)   The last sentence of Paragraph 11(d) which states: "These copies shall be stored in
27
   a manner that prevents duplication of or unauthorized access to the source code, including,
28

without limitation, storing the source code in a locked room or cabinet at all times when it is not

in use, and shall be returned to the Producing Party at the conclusion of this action" shall be

changed to "These copies shall be stored in a manner that prevents duplication of or unauthorized

access to the source code, including, without limitation, storing the source code in a locked room

or cabinet at all times when it is not in use, and shall be destroyed by the Receiving Party at the

conclusion of this action and the Receiving Party shall so certify this destruction. "

  (2) The last two sentences of Paragraph 26 which state: "Notwithstanding this

provision, counsel for the party or parties are entitled to retain an archival copy of all pleadings,

motion papers, transcripts, legal memoranda, correspondence or attorney work product, even if

such materials contain Protected Material. Any such archival copies that contain or constitute

Protected Material remain subject to the Protective Order." shall be deleted.
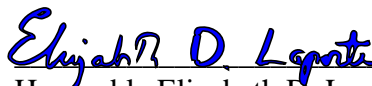
  IT IS SO STIPULATED.

Dated: September 10, 2010   Dated: September 10, 2010

By___/s/ Christine K. Corbett_____ By___/s/ Jeffrey G. Homrig_____
 MARK D. FOWLER   MATT POWERS
 CLAYTON THOMPSON   EDWARD R. REINES
 DAVID ALBERTI   JEFFREY G. HOMRIG
 CHRISTINE K. CORBETT   JILL J. HO
 CARRIE L. WILLIAMSON   WEIL, GOTSHAL & MANGES LLP
 Attorneys for Plaintiff and   Attorneys for Defendant and
 Counterdefendant, Oracle America, Inc. Counterplaintiff, NetApp, Inc.

  So ORDERED AND SIGNED this __15th__ day of September, 2010.

_____
 Honorable Elizabeth D. Laporte
 United States Magistrate Judge

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[PROPOSED] ADDENDUM TO PROTECTIVE ORDER –
USDC CASE NO. C-07-05488 EDL